

Steven Mitnick, Esq.
Admitted *Pro Hac Vice*
Mitnick & Malzberg, P.C.
PO Box 429
29 Race Street
Frenchtown, New Jersey 08825
(908) 996-3716
Counsel for Plaintiff

Melissa A. Pena, Esq. (MP-3320)
Norris, McLaughlin & Marcus
875 Third Avenue, 8th Floor
New York, New York 10022
(212) 808-0700
Local Counsel for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SYSCO FOOD SERVICES OF METRO
NEW YORK, LLC,

Plaintiff,

v.

JEKYLL & HYDE, INC.; and SIXTH
AVENUE FOOD SERVICES LTD,
Defendants.

Civil Case No. 08-cv-02958

**NOTICE OF MOTION SEEKING LEAVE TO FILE A SECOND AMENDED
COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 15(a)**

PLEASE TAKE NOTICE that upon the Declaration of Charnelle Harvey, sworn to on May 27, 2010, and all exhibits annexed thereto, the accompanying Memorandum of Law in Support, and all prior pleadings and proceedings in this action, plaintiff, Sysco Food Services of Metro New York LLC, will move this Court, at a date and time to be determined, pursuant to Federal Rule of Civil Procedure 15(a), seeking leave to file a Second Amended Complaint.

NOTICE IS FURTHER GIVEN that responses to the Motion, if any, shall be served on
Norris McLaughlin & Marcus, P.A., 875 Third Avenue, 8th Floor, New York, New York, 10022.

Dated: May 28, 2010
New York, New York

NORRIS MCLAUGHLIN & MARCUS, P.A.

/s/ Melissa A. Peña

Melissa A. Peña (MP-3320)
875 Third Avenue, 8th Floor
New York, New York 10022
(212) 808-0700

*Local Counsel for Plaintiff, Sysco Food Services of Metro
New York, LLC*

-and-

Steven Mitnick, Esq.
Admitted *Pro Hac Vice*
Mitnick & Malzberg, P.C.
29 Race Street
Frenchtown, New Jersey 08825
(908) 996-3716

*Co-Counsel for Plaintiff, Sysco Food Services of Metro
New York, LLC*

To: Lawrence Rader, Esq.
225 Broadway, Suite 400
New York, New York 10007
(Via ECF)